

PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Diego, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 4401 Eastgate Mall, San Diego, California 92121. On the date set forth below I served the documents described below in the manner described below:

1. EXPERT REPORT OF MARK S. BERNINGER PURSUANT TO FED.R.CIV.P. 26

(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Diego, California.

(BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date. See attached Proof of Personal Service.

(BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley Godward llp for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

(BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward llp for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

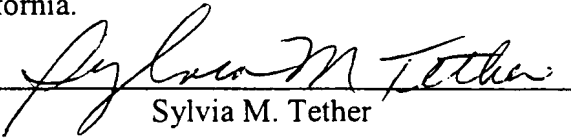
on the following part(ies) in this action:

1 Thomas W. Banks, Esq.
2 Finnegan, Henderson, Farabow
3 245 First Street, 18th Floor
4 Cambridge, MA 02142
5 Tel: (617) 444-8423
6 Fax: (617) 444-8608
7 **Attorneys for Vysis, Inc.**

John H. L'Estrange, Jr. Esq.
Wright and L'Estrange
701 B Street, Suite 1550
San Diego, CA 92101
Tel: (619) 231-4844
Fax: (619) 231-6710
Attorneys for Vysis, Inc.

5 L. Scott Burwell, Esq.
6 Finnegan, Henderson, Farabow, Garrett &
7 Dunner, LLP
8 1300 I Street, N.W.
9 Washington, DC 20005-3315
10 Tel: (202) 408-4000
11 Fax: (202) 408-4400
12 **Attorneys for Vysis, Inc.**

10 Executed on September 5, 2001, at San Diego, California.


Sylvia M. Tether